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Comm. Amdt. _____
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**Amendment No. 3 to HB2353**

**Mumpower  
Signature of Sponsor**

**AMEND Senate Bill No. 2334**

**House Bill No. 2353\***

By adding the following language to precede the enacting clause:

WHEREAS, it is the intent of this general assembly to reduce the sales tax on food by 3%; and

WHEREAS, the revenues for fiscal year 2007-2008 include revenue from the Department of Revenue, the Master Settlement Agreement Payment Adjustment, the Treasurer's earnings, estimated revenue resulting from the Department of Revenue technical corrections bill, over-appropriation, April 2007 sales tax adjustment, and carryforward; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead new Sections 1 through 62, namely:

Sections 1 through 62 of House Bill No. 2353 as filed for introduction on February 22, 2007; printed and distributed as House Bill No. 2353; and considered to be part of this amendment.

AND FURTHER AMEND in Section 1, Title III-22, of the printed bill by deleting in their entirety Items 14, 15, 16 and 17, by substituting instead the following:

- 14. State Employee Salary Increase – 7/1/07.....42,300,000.00
- 15. Higher Education Salary Increase – 7/1/07.....33,000,000.00
- 16. State Employee Salary Compression -- .....24,000,000.00

and by renumbering all remaining items accordingly and by adjusting the subtotals and totals accordingly.

AND FURTHER AMEND in Section 49, Item 1, of the printed bill by deleting the words and figure “one percent (1%)” and substituting instead “three percent (3%)”.

AND FURTHER AMEND in Section 49 by deleting the following language in its entirety:

Item 5. The appropriation of \$29,200,000 and \$31,400,000 made in Section 1,

Title III-22, Items 16 and 17 for State Employee – Bonus and Higher Education – Bonus, are made for the purpose of funding a one-time salary bonus to state employees and employees of higher education.

AND FURTHER AMEND in Section 49 by adding the following language as a new item:

Item \_\_. The appropriation made in Section 1, Title III-22, Item 16, is made to continue to address the issue of State Employee Salary Compression. Prior to allocating this appropriation, the Commissioner of Personnel and the Commissioner of Finance and Administration, after consulting with the Tennessee State Employees Association, shall submit to the Speaker of the Senate, the Speaker of the House of Representatives, the Chairmen of the Finance, Ways and Means Committees of the Senate and the House of Representatives and the Office of Legislative Budget Analysis a plan for allocation of this appropriation to the state agencies. This plan shall be in accordance with guidelines set forth in the "Joint Study of Salary Compression" dated October 28, 2005, that was prepared by the Tennessee State Employees Association and the Tennessee Department of Personnel.

AND FURTHER AMEND in Section 11 in Item 4 by deleting the language "the sum of \$22,300,000 is for the purpose of providing a 1% salary improvement" and by substituting instead the language "a sum sufficient for the purpose of providing a 3% salary improvement".

AND FURTHER AMEND in SECTION 11 by deleting Item 5 in its entirety and by substituting instead the following language:

Item 5. The appropriation to the Department of Education made in Section 1, Title III-9, Item 2.1c, BEP and Other LEA Support, is reduced by the sum of \$44,600,000, which eliminates the improvement for salary bonus.

AND FURTHER AMEND by adding the following language as new items to Section 11:

Item \_\_. In addition to the appropriation to the Department of Education made in Section 1, Title III-9, Item 2.1c, BEP and Other LEA Support, there is hereby appropriated to the Department of Education an additional \$51,000,000 for funding a portion of BEP 2.0.

Item \_\_\_\_\_. From the appropriation made in Section 1, Title III-9, Item 2.1c, BEP and Other LEA Support, it is the legislative intent that the \$27,200,000 appropriation for BEP Student Enrollment – Current Census Basis be a non-recurring appropriation.

AND FURTHER AMEND by adding the following new section to be appropriately numbered:

SECTION \_\_\_\_\_.

Item 1. In addition to the appropriations made in Section 1, Title III-32, for Capital Outlay, there are hereby appropriated the following sums:

a) UTK – Music Center	\$ 30,000,000
b) PSTCC Blount County Center Improvement	17,200,000
c) UTC – New Library	48,000,000
d) NSTCC – Technical Education Complex	30,750,000
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TOTAL	\$125,950,000

Said funds herein appropriated shall be used solely for improvements, betterments, and additions to state structures and for the acquisition of additional land and space, including the purchase of existing structures and grants, as described or referred to above and as approved by the State Building Commission; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1.

AND FURTHER AMEND by adding the following new section to be appropriately numbered:

SECTION \_\_\_\_\_.

Item 1. The appropriation to the Department of Health in Section 1, Title III-16, Item 3.5, Community and Medical Services, is reduced by \$14,000,000. It is the

legislative intent that the reduction in this item reduces the improvement for Tobacco-Use Prevention to \$1,000,000.

Item 2. The appropriation to Tennessee State University in Section 1, Title III-10, Item 4.6.b, TSU Agricultural Research and Extension is reduced by \$2,000,000. It is the legislative intent that the reduction in this item eliminates the improvement for the TSU Land Grant.

Item 3. In addition to the appropriation to the Department of Environment and Conservation in Section 1, Title III-5, there is appropriated the sum of \$82,000,000 (non-recurring) for the North Cumberland Plateau Land Acquisition. It is the legislative intent that no bonds be issued for such improvement and that the capital outlay appropriation be reduced accordingly.

Item 4. The appropriation to the Department of Safety in Section 1, Title III-20, Item 2, Driver License Issuance, is reduced by an amount of \$26,500,000 (non-recurring). It is the legislative intent that such reduction eliminates the improvement for REAL ID Act Reserve.

Item 5. The appropriation to the Department of Finance and Administration in Section 1, Title III-2, Item 3.8, State Health Planning Division, is reduced by an amount of \$2,268,000 (non-recurring). It is the legislative intent that the reduction in this item reduce the funding for the eHealth infrastructure in the Health Information Systems improvement.

Item 6. The appropriation to the Secretary of State in Section 1, Title III-1, Item 3.9, Ethics Commission, is reduced by an amount of \$175,000. It is the legislative intent that such reduction eliminates the funding for improvements for three (3) positions, including an auditor, investigator and administrative assistant in the Ethics Commission.

Item 7. The appropriation to the Department of Economic and Community Development in Title III-8, Item 5, Community Development, is reduced by an amount of \$1,500,000. It is the legislative intent that such reduction reduce the funding for

improvements for the Tennessee Leadership Center and increasing participation in the Three Star community economic preparedness and Main Street programs.

Item 8. The appropriation to the Department of Agriculture in Section 1, Title III-3, Item 3, Market Development, is reduced by an amount of \$6,000,000 (recurring) and increased by an amount of \$21,000,000 (non-recurring). It is the legislative intent that the appropriation in this item be earmarked for the improvement for the Farm Program.

Item 9. It is the legislative intent that \$4,875,600 of the appropriation to the Wildlife Resources Agency in Section 1, Title III-6, Item 4, Wetlands Acquisition Fund, for improvements shall be non-recurring.

Item 10. It is the legislative intent that \$2,624,400 of the appropriation to the Department of Environment and Conservation in Section 1, Title III-5, Item 27, Local Parks Acquisition Fund, for improvements shall be non-recurring.

Item 11. It is the legislative intent that \$2,250,000 of the appropriation to the Department of Environment and Conservation in Section 1, Title III-5, Item 28, State Lands Acquisition Fund, for improvements shall be non-recurring.

Item 12. It is the legislative intent that \$2,250,000 of the appropriation to the Department of Agriculture in Section 1, Title III-3, Item 8, Agricultural Resources Conservation Fund, for improvements shall be non-recurring.

Item 13. The appropriation to the Department of Finance and Administration – TennCare Program in Section 1, Title III-26, Item 2, TennCare Services, is reduced by an amount of \$274,500. It is the legislative intent that the reduction in this item eliminates the improvement for the expansion of the Weight Watchers program.

Item 14. The appropriation to the Department of Economic and Community Development in Section 1, Title III-8, Item 4, FastTrack Infrastructure Development Program, is reduced by \$630,000. It is the legislative intent that the reduction in this item eliminates the improvement for expanding foreign marketing efforts.

Item 15. The appropriation to Miscellaneous Appropriations in Section 1, Title III-22, Item 30.2, Postage Rate Increase, is reduced by \$300,000. It is the legislative intent that the reduction in this item reflects savings from the new postage rate.

AND FURTHER AMEND in Section 43 of the printed bill by deleting Item 7 in its entirety and by renumbering all remaining Items accordingly.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the department of finance and administration for distribution to the appropriate entities for the sole purpose of implementing senate bill 1967 / house bill 1835, senate bill 1554, house bill 1836, senate bill 1322, house bill 1834, senate bill 2235, house bill 2314, senate bill 64, house bill 8, senate bill 219 / house bill 164, senate bill 1174 / house bill 194, senate bill 1177 / house bill 175, and senate bill 230 / house bill 252, if such bills become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

AND FURTHER AMEND by adding the following new items at the end of Section 10:

Item \_\_\_\_\_. The appropriation made to the Department of Economic and Community Development in Section 1, Title III-8, Item 4 FastTrack Infrastructure Development Program, of this act is reduced by the sum of \$10,959,000.

Item \_\_\_\_\_. In addition to any other appropriations made by this act, there is appropriated to the Department of Economic and Community Development the sum of \$5,000,000 (non-recurring) for the FastTrack Infrastructure Development Program.

Item \_\_\_\_\_.

(a) From the trauma center fund created by senate bill 1503 / house bill 1613, there is appropriated the sum of \$9,907,000 to the department of health for the sole purpose of making grants to trauma centers in accordance with the provisions of senate bill 1503 / house bill 1613, if such bill becomes law. The

commissioner of finance and administration is authorized to increase or decrease this appropriation as realized receipts of the trauma center fund justify.

(b)

(1) In addition to the appropriations elsewhere in this act, if Senate Bill 1503 / House Bill 1613 does not become law, there is appropriated to the Department of Health from the general fund an amount equivalent to revenues collected from the additional one-tenth of one cent (0.1 cent) tax rate increase on cigarettes levied by Senate Bill 2326 / House Bill 2354, if the latter bill becomes law, for the purpose of making grants or payments to level I, II, and III trauma centers licensed by the Department of Health pursuant to Tennessee code annotated title 68, chapter 11, part 2, and rule 1200-8-12.03 of the Tennessee rules and regulations; comprehensive regional pediatric centers, defined as pediatric in-patient hospitals licensed by the department pursuant to Tennessee code annotated, title 68, chapter 11, part 2, and rule 1200-8-30.01(4) of the Tennessee rules and regulations; and other acute care hospitals which provide levels of treatment for trauma patients that are at least as great as the lowest level provided by one of the designated trauma centers.

(2) From the appropriation in this item, an amount not to exceed \$88,400 may be used for administrative expenses of the department and two positions are authorized. At June 30, 2008, the unexpended balance of the appropriation in this item shall be carried forward in a reserve to be available in the succeeding fiscal year for the purpose of this item.

(3) The trauma system grants made from the funds appropriated in this item shall be awarded by the Commissioner of Health based on the following principles: (A) Designated trauma centers of all levels and comprehensive regional pediatric centers shall receive a grant or

payment based upon the documented costs associated with maintaining required standards for designation; (B) uncompensated care costs associated with trauma patients and the trauma service codes shall be the basis for payments to such trauma centers, comprehensive regional pediatric centers, and other acute care hospitals functioning as part of the trauma system; (C) payments related to uncompensated care costs shall be made on a proportional basis related to actual patient volume and losses incurred; (D) the readiness costs associated with a documented risk of achieving or losing designation as a designated trauma center of any level may be considered if determined to be appropriate by the commissioner; and (E) the total of all grants and payments shall not exceed the revenues appropriated in paragraph one of this item, and the commissioner is authorized to prorate all grants or payments as necessary to comply with this condition.

(4) For purposes of this item, "trauma patient" means a patient who is on the State Trauma Registry or the National Trauma Registry of the American College of Surgeons; "trauma service codes" means the ICD-9-CM discharge codes designated as trauma service codes by the American College of Surgeons, Committee on Trauma; "uncompensated care" means care provided by a facility specified in this item to a trauma patient who has no medical insurance, including federal Medicare Part B coverage; is not eligible for medical assistance coverage; has no medical coverage for trauma through workers' compensation, automobile insurance, or any other third party, including any settlement or judgment resulting from such coverage; and has not paid for the trauma care provided by the trauma provider after documented attempts by the trauma care services provider to collect payment.



AND FURTHER AMEND by deleting Item 2 from Section 47 in its entirety and by substituting instead the following:

Item 2. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2008, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$633,500,000 on June 30, 2008.